**Proposed changes to the Draft Guiding Principles submitted by BankTrack and respective changes in the final Guiding Principles**

**Page 12, Principle 12 b:**

Applies across a business enterprise’s activities and through its relationships with third parties associated with those activities, this includes relationships of banks with third parties;

**Page 14, Principle 13 b (original Principle 12 split in 12 and 13):**

Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

**Page 13, Commentary to Principle 12, Para 5:**

The scope of the corporate responsibility to respect human rights extends across a business enterprise’s own activities and through its relationships with other parties, such as business partners, entities in its value chain, clients of banks, other non-State actors and State agents. Particular country and local contexts may affect the human rights risks of an enterprise’s activities and relationships.

**Page 14, Commentary to Principle 12, Para 5:**

For the purpose of these Guiding Principles a business enterprise’s “activities” are understood to include both actions and omissions; and its “business relationships” are understood to include relationships with business partners, entities in its value chain, and any other non-State or State entity directly linked to its business operations, products or services.

**Page 15, Principle 15c:**

Human rights due diligence:

(…)

c. Should extend beyond a business enterprise’s own activities to include relationships with business partners, suppliers, clients of banks, and other non-State and State entities that are associated with the enterprise’s activities.

**Page 16, Principle 17a:**

Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships

**Page 15, Principle 15d (new):**

d. Should be carried out by banks before providing financial services for clients or projects, and it should cover the human rights impacts client operations or projects may have during their planning, construction, operations and decommissioning phase.

**Not accepted**

But see the link between (financial) services and (bank) clients. Above where we proposed “clients of banks” Ruggie used “or services”.

**Page 15, Commentary to Principle 15, Para 3:**

Where business enterprises have large numbers of suppliers or clients in the case of banks, this may render it impossible to conduct human rights due diligence with regard to them all. If so, they should identify general areas of heightened human rights risk, whether due to certain suppliers’ or clients of banks’ operating context, the particular products or services involved, or other relevant considerations, and prioritize those suppliers or clients for human rights due diligence.

**Page 16, Commentary to Principle 17, Para 5:**

Where business enterprises have large numbers of entities in their value chains it may be unreasonably difficult to conduct due diligence for adverse human rights impacts across them all. If so, business enterprises should identify general areas where the risk of adverse human rights impacts is most significant, whether due to certain suppliers’ or clients’ operating context, the particular operations, products or services involved, or other relevant considerations, and prioritize these (…) for human rights due diligence.

**Page 17, Commentary to Principle 17, Para 3:**

Where a business enterprise identifies that it has contributed through its own actions or decisions to acts by a supplier that harm human rights, it should take steps avoid or mitigate the continuation of those contributions. For a bank, what is stated here is also applicable to relationships with clients for which the bank provides financial services.

**Page 17, Commentary to Principle 19, Para 5:**

Where a business enterprise has not contributed to an adverse human rights impact, but that impact is nevertheless directly linked to its operations, products or services by its business relationship with another entity…(commentary changed a lot but clearly steered away from supply chain issues only).

**Page 18, Commentary to Principle 17, Para 4:**

Where a business enterprise identifies that it is associated with adverse human rights impact by a supplier solely because it procures the goods or services that are provided in abusive conditions, it should carefully assess what appropriate action to take going forward, based on a combination of what leverage it possesses to change the wrongful practices of the supplier, how crucial that supplier is to its business, and the implications for human rights of any course of action. A similar procedure should be adopted by a bank, when it is associated with adverse human rights impact by a client.

**Not accepted**

Commentary to Principle 19 changed a lot and clearly steered away from supply chain issues only.